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an established business during a specified time where there is the implied agreement that the buyer will purchase all the articles needed of the person whose offer he has accepted. *Wells v. Alexander*, 130 N. Y. 642; *Lumber Co. v. Coal Co.*, 31 L. R. A. 529.

CONTROVERSY BETWEEN STATES—JURISDICTION—DIVERSION OF WATER.—*KANSAS v. COLORADO*, 22 Sup. Ct. Rep. 552.—*Held*, the Supreme Court of the United States has original jurisdiction of a controversy between States. The question raised in this case was whether Colorado had the right to wholly deprive Kansas of the benefit of the water of the Arkansas river, which rises in Colorado and flows into and through Kansas.

This case brings to mind the many attempts which have been made to organize tribunals having cognizance of disputes between sovereign states, all of which have failed through lack of power to enforce the decrees. The States of the Union are sovereignties, and under the rules of international law might settle disputes by treaty or an appeal to force, had not these attributes of sovereignty been surrendered to the general government. In *Rhode Island v. Massachusetts*, 12 Pet. 726, 9 L. Ed. 1261, it was held that a complaining State being bound by the prohibitions of the constitution to neither treat, agree or fight with its adversary, without the consent of Congress, a resort to the judicial power was the only means left for legally adjusting a dispute between States relating to a controverted boundary. Colorado claimed also that Kansas was seeking to maintain this action for the redress of supposed wrongs of certain private citizens of that State, and that it was not empowered to bring an action in this court for such purpose. The court however, followed the case of *Missouri v. Illinois*, 180 U. S. 208, 21 Sup. Ct. Rep. 331, where it was ruled that the mere fact that a state had no pecuniary interest in the controversy would not defeat the jurisdiction of this court. It might be invoked by the State as *parens patriae*, trustee, guardian, or representative of all or of a considerable portion of its citizens.

DAMAGES—NERVOUS PROSTRATION RESULTING FROM FRIGHT—TRESPASS AS PROXIMATE CAUSE—RIGHT OF RECOVERY.—*WATSON v. DILTS*, 89 N. W. 1068 (Iowa).—Defendant wrongfully entered plaintiff's house in night time, thereby frightening plaintiff, a woman, and causing nervous prostration and physical disability. *Held*, to constitute a good cause of action.

The decisions are practically unanimous that fright alone, caused by an act of negligence, is not ground for damages; *Victorian R. Com'r's v. Coultas*, L. R. 13 App. Cases 222; *Mitchell v. Rochester R. R. Co.*, 151 N. Y. 107; nor, by weight of authority, does consequent physical disability affect the legal status of complainant; *Ewing v. Pittsburg R. R. Co.*, 147 Pa. 40, 14 L. R. A. 66 and note; although the justice of this conclusion is denied by text writers. *Watson, Personal Injuries*, secs. 396-402; *Sedgwick, Damages*, 8th ed., secs. 46, 47, 861; *Beaven, Negligence*, sec. 77 *et seq.* Many of the courts base their decision on the rule of convenience. *Spade v. Lynn R. R. Co.*, 168 Mass. 285. The same position—*ab convenienti*—is taken by the courts in regard to mental anguish in the so-called "telegraph" cases. *W. U. Tel. Co. v. Ferguson*, 157 Ind. 64. Other courts emphasize the absence of proximate cause. *Braun v. Craven*, 175 Ill. 40. In the principal case, the court, while recognizing the attitude of the law, lays weight upon the wilful trespass as a proximate cause to justify its conclusion. Although